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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,343	02/24/2004	Robert James Yarbrough	Yarbrough 001	8742

38288 7590 12/20/2004

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EXAMINER

MARSH, STEVEN M

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/785,343

Applicant(s)

YARBROUGH ET AL.

Examiner

Steven M Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-22 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This is the first office action for U.S. Application 10/785,343 for a Holder for Reading Material filed by Robert James Yarbrough et al. on February 24, 2004.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 17, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 2,546,283 to Webster. Webster discloses a holder for reading material that has a frame (19) with an opening, and upper side, and a lower side. The frame is adapted to support reading material by the lower frame member, above a surface such that the reading material is visible through the opening to a person when a person is reclining upon the surface. The holder has a support member (5, 21, and 15) adapted to support the frame above the surface. The frame has a first position where the reading material is visible to a person through the opening and a second position. The frame also has a lower member (the bottom of the frame) and a lip member (24). The frame is also foldably connected to the support member by a hinge that joins the frame and support member. The support member also has an arm (21) connected to the frame by the first hinge (the hinge is located at the pivot point of 21 and 19). The arm is connected to a base (5) at a second hinge and a first means (the wing nut shown in fig.

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1) determines a first angle defined by the arm and frame. The adjustment allows a user to determine an angle defined by the surface and frame, as well as the distance between the surface and frame.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-15, and 19-22 rejected under 35 U.S.C. 103(a) as being unpatentable over Webster in view of U.S. Patent 3,140,558 to Cassidy. Webster does not disclose an upper frame member attached to the frame and slidably engaged with a vertical member. Cassidy discloses a frame member on a reading material holder, with a frame that has a vertical member (20), and upper frame member (36), and a lower frame member (10) with a lip (12). The upper frame member and lower members are slidably attached to the vertical member and the arrangement can be adjusted between a first distance and a second distance by rotating a screw (24 or 34) that engages the frame. The frame allows a user to adjust the upper and lower members to support reading material of different sizes. It would have been obvious to one of ordinary skill in the art at the time of the present invention, to have modified the frame member taught by Webster, and provided a vertical member slidably engaged with upper and lower frame

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members, as taught by Cassidy, for the purpose of supporting reading material of various sizes.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webster in view of Cassidy, and in further view of U.S. Patent 5,058,848 to Ferraro. Webster in view of Cassidy does not disclose a floor plate and a column attached to the floor plate for supporting the frame. Ferraro discloses an apparatus for holding reading material with a frame (29) that is supported above a surface by a support member. The support member has a column (17) and is supported on a floor by a plate (15). It would have been obvious to one of ordinary skill in the art at the time of the present invention, to have provided a plate at the bottom of the legs (or columns 9) taught by Webster in view of Cassidy, as taught by Ferraro, for the purpose of supporting the assembly on a floor.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 1,083,764 to Smith

U.S. Patent 2,638,701 to Dahlgren

U.S. Patent 2,448,734 to Phillips

U.S. Patent 4,140,296 to Guzman Guillen

U.S. Patent 5,112,021 to Greene

U.S. Patent 1,916,667 to Hoogendyk

U.S. Patent 3,889,914 to Torme

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U.S. Patent 4,465,255 to Hill

The above patents disclose easels and reading material holders.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.



Steven M. Marsh

December 8, 2004



LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER